

HB 684 -- SUPPORTING AND STRENGTHENING FAMILIES ACT

SPONSOR: Koenig

This bill changes the laws regarding the delegation of powers relating to the care and custody of a child. The bill requires that during any child protective investigation that does not result in an out-of-home placement, a child protective investigator must provide information to the parent or guardian about community service programs that provide respite care, voluntary guardianship, or other support services for families in crisis.

A parent or legal custodian of a child may, by a properly executed power of attorney, delegate to an attorney-in-fact, for up to one year, any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under these provisions must not deprive the parent or legal custodian of any parental or legal authority regarding the care and custody of the child. The bill requires the parent or legal custodian of the child to have the authority to revoke or withdraw the power of attorney at any time. If the delegation of authority lasts longer than one year, the parent or legal custodian of the child must execute a new power of attorney for each additional year that the delegation exists. If a parent withdraws or revokes the power of attorney, the child must be returned to the custody of the parents as soon as reasonably possible. Unless the authority is revoked or withdrawn by the parent, the attorney-in-fact must exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney and must not be subject to any statutes dealing with the licensing or regulation of foster care homes.

The bill prohibits the execution of a power of attorney by a parent or legal custodian from constituting abandonment, abuse, or neglect unless the parent or legal guardian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed. Under a delegation of powers as authorized by these provisions, the child subject to the power of attorney must not be considered placed in foster care and the parties must not be subject to any of the requirements or licensing regulations for foster care or other regulations relating to community care for children. A parent or legal custodian who is a member of the Armed Forces of the United States including any reserve component, the Commissioned Corps of the National Oceanic and Atmospheric Administration, the Public Health Service of the United States Department of Health and Human Services detailed by proper

authority for duty with the Armed Forces of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the President of the United States or to serve on state active duty may delegate the powers designated in these provisions for a period longer than one year if on active duty service. The term of delegation must not exceed the term of active duty service plus 30 days. The bill requires any form for the delegation of powers authorized under these provisions to be witnessed by a notary public and contain certain information specified in the bill.